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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 011217

SIPDIS

STATE PLEASE PASS TO USTR - CLATANOFF
GENEVA FOR CHAMBERLIN
LABOR FOR ILAB

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TAGS: ELAB PHUM PGOV ETRD CO ILO

SUBJECT: GOC SEEKS CONTINUED FUNDING FOR ILO COOPERATION
PROGRAM

REF: A. BOGOTA 9783
B. BOGOTA 9522
C. BOGOTA 9526

Classified By: Ambassador William B. Wood for reasons
1.4 (b) and (d).

Summary

11. (C) On October 28, Vice Minister for Labor Affairs Luz Stella Arango briefed embassies of ILO Governing Body (GB) members on GOC cases before the ILO's Committee on Freedom of Association (CFA) scheduled for discussion at the ILO Governing Body meeting in November. She also requested support for continued funding of the ILO's special technical cooperation program. Arango noted that the cooperation program has played a key role in advancing labor rights and outlined plans for future activities should funding continue.

Representatives of the Office of the Prosecutor General ("Fiscalia") described progress on 40 key cases of trade unionist murders included in CFA case 1787, which calls for GOC action to investigate and prosecute perpetrators of murders and human rights abuses of labor leaders, but acknowledged slow progress on addressing impunity issues across the board. Fiscalia representatives briefed on the status of the criminal investigation of three military and one civilian accused of the August 5 murder of three trade unionists in Arauca Department, asserting the Fiscalia has rejected the military justice system's request for shared jurisdiction. Arango acknowledged unions remain skeptical of GOC efforts. End Summary.

GOC: Technical Cooperation Program Essential

12. (C) Arango began her briefing with a push for continued funding for the ILO's special technical cooperation program. She noted the program has played an essential role in fostering tripartite dialogue and raising awareness of international labor norms within the GOC, regional governments, and Fiscalia. Arango also asked GB members to vote against a Commission of Inquiry or Fact-Finding Commission should they be proposed by unions at the November session. She asserted an ILO investigative commission is not necessary and could undo many of the cooperation program's gains to date by increasing tensions. Arango stressed the importance of ILO trainers' continued participation in training seminars and dialogue tables because of lingering mistrust between labor unions and the Government. Arango also outlined GOC plans for future activities, should funding continue, including tripartite discussions on Convention 87 and the right to strike in "essential services" sectors and additional seminars for police, military, law students, public servants and Fiscalia prosecutors. The GOC also plans to launch a nationwide television ad campaign to promote workers' rights.

More Protection for Labor Leaders

13. (C) Arango reminded those present that levels of violence against trade unionists continue to decline. Although GOC statistics differ from those presented by the National Labor College ("Escuela Nacional Sindical"), both show significant declines in the number of trade unionist murders and kidnappings this year (ref A). Arango also noted that funding for the Ministry of Interior's protection program has increased substantially in the past two years and observed that the majority (55 percent) of the program's resources go to trade unionist participants. (The program also provides protection for human rights defenders, journalists, politicians and other at-risk populations.) Representatives of the Presidential Program for Human Rights also discussed a relocation program for teachers, who represent about one-third of organized labor (ref B). GOC officials pressed for the creation of the program after hearing about increased levels of violence against teachers at several ILO seminars.

Progress Slow on Impunity

14. (C) Fiscalia representatives reviewed progress on 40 key cases included in CFA case 1787, stating that most cases have moved to trial and, in some, guilty verdicts have been handed down. Arango acknowledged that 40 cases is a small number and that much work remains to be done. She noted the technical cooperation program had conducted seminars with prosecutors to sensitize them to the importance of trade unionist murder cases. Fiscalia representatives noted they are constrained by limited resources and security concerns, which often preclude witnesses from sharing information and place prosecutors and investigators themselves at great risk.

Recent security improvements have permitted the Fiscalia to re-open cases previously suspended due to lack of evidence. On the investigation into the August 5 killings of three trade unionists in Saravena, Arauca Department, three suspected Colombian Army soldiers and one civilian informant remain in custody after forensic examinations revealed the trade unionists were not killed in a skirmish (ref C). The Fiscalia denied the military justice system's request for shared jurisdiction on October 7. (The question of jurisdiction has been sent a higher court for resolution.) The Fiscalia's national human rights unit has made the case a priority and hopes to move to trial quickly, but must still complete a series of steps mandated by the penal code.

Unions Not Convinced

15. (C) In response to a question from the French political counselor, Arango agreed unions do not seem convinced that the GOC is serious about dialogue despite the series of seminars already conducted. In private discussions with the Embassy, several labor leaders have acknowledged the large number of seminars but have complained about GOC follow-through on concerns raised in the seminars. Labor leaders have also told us that the GOC is willing to discuss local and regional issues in seminars but is generally reluctant to consult on national policy issues, such as pension reform, privatization, and changes to the labor code.

Limited GOC, Union Representation Expected

16. (C) The GOC delegation for the November session has not yet been decided, but we have reason to believe Arango will lead it. Colombian labor federations are leaning against sending representatives to Geneva just to participate in a half-day session. Labor leaders continue to express frustration at the success of the GOC's lobbying efforts with the international community and their own failure to secure an ILO investigative commission.

WOOD